

PTO/SB/28 (10-00)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
MERCK-1972-D01

In re Application of Mark VERRALL et al

Application No. 09/859,482

Filed: 5/18/01

For: AN ANISOTROPIC POLYMER LAYER

The owner, MERCK Patent GmbH or 100 percent interest by virtue of an assignment document recorded on 18 January 2000, record no. 010521/0291, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,291,035, 6,644,605, 6,282,788 and 6,669,865. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any of the prior patents; as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is issued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

- 1 ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- 2 ☒ The undersigned is an attorney of record.

Signature

November
24, 2004
Date

Anthony J. Zelano, Reg. No. 27,969

Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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* Certification under 37 CFR 3.73(p) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

CERTIFICATION OF FACSIMILE TRANSMISSION

Burden your statement. This form is estimated to take 0.2 hours to complete. Any comments on the amount of time you are required to complete this form should be sent to the Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR OF PUBLICATION, P.O. Box 1450, Alexandria, VA 22313-1450.

I hereby certify that this paper is being facsimile transmitted (571-273-1492) to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Name: Anthony J. Zelano 11/29/2004 RHO LAND 00000001 133402 098594

Signature

Date: November 24, 2004

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PTO/SB/17 (10-04)
Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004 Patent fees are subject to annual revision

☐ Applicant claims small entity status See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110.00

Complete if Known

Application Number 09859,482
Filing Date 5/18/01
First Named Inventor VERRALL et al.
Examiner Name Sow Fun Hon
Art Unit 1772
Attorney Docket No. MERC-1972-001

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number 13-3402

Deposit Account Name

Millen, White, Zelano & Branigan, P.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	385	Reissue filing fee	
1005	150	2005	60	Provisional filing fee	

SUBTOTAL (1)

(\$10)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims = x =
Independent Claims = x =
Multiple Dependents x =

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claims, if not paid	
1204	88	2204	44	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$0)

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oapi	
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	820*	1804	820*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	960	2253	480	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1808	790	2808	395	Filing a submission after final rejection (37 CFR § 1.129(e))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(e))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	800	1802	800	Request for expedited examination of a design application	

Other fee (specify) TERMINAL DISCLAIMER

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$0)

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone	Date
Anthony J. Zelano	27,969	(703) 612-5311	November 24, 2004

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Date: November 24, 2004